

Applicant/Serial No.: Nicholas F. D'Antonio et al. / 09/937,357
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Examiner/Group: Ann Y. Lam / 1641
Response mailed: 10 / 29 / 2005
Attorney File: DA7119US (#90036)

REMARKS

The Office Action dated August 9, 2005, is acknowledged. Turning first to the rejection of claim 31 because of the informality noted by the Examiner and the rejection of claims 24, 25, 51 and 63 under 35 U.S.C. 112, second paragraph, it is respectfully submitted that the wrong set of claims were examined. The items noted in the Office Action of August 9, 2005, were corrected in an amendment filed on January 6, 2005. Therefore, it is respectfully submitted that the claims are in proper order under 35 U.S.C. 112, second paragraph, and it is requested that the objection to claim 31, and the rejection of claims 24, 25, 51 and 63 under 35 U.S.C. 112, second paragraph, be withdrawn.

Claims 1, 2, 5-10, 12-15, 18, 19, 21, 23-35, 49, 53-55, 57, 58, 60, 61, 63, 68 and 88-91 have been rejected as being anticipated by D'Antonio et al. U.S. Patent No. 6,056,716 under 35 U.S.C. 102(e). Claims 1, 2, 5-10, 12-15, 18, 19, 21, 49, 52-55, 60-63, 68 and 90 were rejected under 35 U.S.C. 102(e) as being anticipated by Tarello et al. U.S. Patent No. 4,518,384. Rather than specifically discussing each of these rejections, the applicants have amended the independent claims by inserting the limitation of a release structure operatively connected to the holding member which holds the containers or cartridges for use during the injection process, the release structure being actuatable to release the holding member and the containers or cartridges held thereby without requiring human contact of the holding member or the containers or

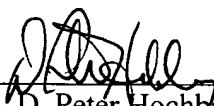
cartridges. This subject matter is shown in the preferred embodiment of the invention in Figs. 1 and 2, and discussed on page 6, lines 26-28 and page 7, line 12, through page 8, line 16. Reference is made to item 11, stated in the specification as being a front end release trigger 11. Neither D'Antonio et al. ('716) nor Tarello et al. define any such structure for releasing a member for holding the containers or cartridges without requiring human contact with either the holding member or the containers or cartridges. Referring to D'Antonio et al. '716, it is stated in column 27, lines 3-6, that the capsules can be loaded in the system by sliding the barrel forward to expose the carriages into which the capsules are inserted. The barrel is then slid back into position to lock the capsules in place. This is all done manually, and the user must touch both the container-holding apparatus and the container (or capsules) – something specifically avoided in the present invention. Likewise, in Tarello et al., it is stated in column 3, lines 23-28, that the clip includes a structure for retaining a series of medicament cartridges "suitable for manual handling and interconnection with the medicament discharging device 12." Again, this is something that the present invention specifically avoids, and the actuating structure set forth in the claims makes it unnecessary for the user to touch either the container or cartridges, or the holding member for holding the latter units.

New claims 92-96 depend from independent claims 1 and 3, and define in further detail the release structure and the apparatus which is operated by the release structure.

It is respectfully submitted that the claims in their present form are allowable, and such action is earnestly solicited. The Examiner is invited to telephone the undersigned if discussion

of any aspect of this case would expedite its prosecution.

Respectfully submitted,

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